

Daniel A. Brown, WSBA #22028
Marshall L. Ferguson, WSBA #29528
Daniel J. Velloth, WSBA #44379
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
Telephone: (206) 628-6600
Fax: (206) 628-6611
Attorneys for Plaintiffs

The Honorable Bryan D. Lynch
Chapter 11
Date: 12/14/2017
Time: 9:30 a.m.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re:

NO. 11-41010-BDL

CDC PROPERTIES I, LLC,

Debtor.

OLYMPIA OFFICE, LLC, a New York limited liability company; WA PORTFOLIO, LLC, a Delaware limited liability company; MARINERS PORTFOLIO, LLC, a Virginia limited liability company; and SEAHAWK PORTFOLIO, LLC, a Florida limited liability company,

Plaintiffs,

v.

MLMT 2005-MCP1 WASHINGTON OFFICE PROPERTIES, LLC, a Washington limited liability company; MIDLAND LOAN SERVICES, a division of PNC BANK, N.A.; RAINIER FORECLOSURE SERVICES, INC., a Washington corporation; JSH PROPERTIES, INC., a Washington corporation,

Defendants.

ADV. NO. 17-04120-BDL

DECLARATION OF DANIEL A. BROWN
IN SUPPORT OF EMERGENCY MOTION
FOR SHORTENED TIME FOR HEARING
ON PLAINTIFFS' EMERGENCY
MOTION FOR PRELIMINARY
INJUNCTION OR TEMPORARY
RESTRAINING ORDER

DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
EMERGENCY MOTION FOR SHORTENED TIME FOR HEARING
ON PLAINTIFFS' EMERGENCY MOTION FOR PRELIMINARY
INJUNCTION OR TEMPORARY RESTRAINING ORDER - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

6280690.1

1
2 I, Daniel A. Brown, declare as follows:

3 1. I am a partner at Williams Kastner, attorneys for plaintiffs in this action,
4 and I make this declaration based on my personal knowledge. If called to testify I would be
5 competent to do so.

6 2. Attached as **Exhibit A** is a true and correct copy of the Plaintiffs'
7 Motion for Preliminary Restraining Order filed in King County Superior Court Case No. 17-2-
8 31354-8 SEA ("King County Case") on December 6, 2017.

9 3. Attached as **Exhibit B** is a true and correct copy of the Order to Show
10 Cause entered in the King County Case on December 6, 2017.

11 4. Attached as **Exhibit C** is a true and correct copy of the Declaration of
12 Scott Switzer and exhibits filed in the King County Case in support of the Motion for
13 Preliminary Injunction.

14 5. Attached as **Exhibit D** is a true and correct copy of the Declaration of
15 David M. Chudzik, Ph.D and exhibits filed in the King County Case in support of the Motion
16 for Preliminary Injunction.

17 6. Attached as **Exhibit E** is a true and correct copy of the Complaint in the
18 King County Case.

19 7. Attached as **Exhibit F** is a true and correct copy of the Affidavit of
20 Service on Rainier Foreclosure Services, filed in the King County Case.

21 The foregoing statement is made under penalty of perjury under the laws of the United
22 States of America and is true and correct.
23
24
25

DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
EMERGENCY MOTION FOR SHORTENED TIME FOR HEARING
ON PLAINTIFFS' EMERGENCY MOTION FOR PRELIMINARY
INJUNCTION OR TEMPORARY RESTRAINING ORDER - 2

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

6280690.1

1 DATED this 12th day of December, 2017.

2 /s/ Daniel A. Brown

3 Daniel A. Brown, WSBA #22028

4 Marshall L. Ferguson, WSBA #29528

5 Daniel J. Velloth, WSBA #44379

6 Attorneys for Plaintiffs Olympia Office, LLC;

7 WA Portfolio, LLC; Mariners Portfolio, LLC;

8 and Seahawk Portfolio, LLC

9 WILLIAMS, KASTNER & GIBBS PLLC

10 601 Union Street, Suite 4100

11 Seattle, WA 98101-2380

12 Telephone: (206) 628-6600

13 Fax: (206) 628-6611

14 dbrown@williamskastner.com

15 mferguson@williamskastner.com

16 dvelloth@williamskastner.com

17
18
19
20
21
22
23
24
25
DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
EMERGENCY MOTION FOR SHORTENED TIME FOR HEARING
ON PLAINTIFFS' EMERGENCY MOTION FOR PRELIMINARY
INJUNCTION OR TEMPORARY RESTRAINING ORDER - 3

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

6280690.1

1 PROOF OF FILING

2 The undersigned hereby certifies that on December 12, 2017, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system, which will send notification
4 of such filing to the CM/ECF participants.

5 DATED this 12th day of December, 2017.

6 /s/ Daniel A. Brown
7 Daniel A. Brown, WSBA #22028
8 Marshall L. Ferguson, WSBA #29528
9 Daniel J. Velloth, WSBA #44379
10 Attorneys for Plaintiffs Olympia Office, LLC;
11 WA Portfolio, LLC; Mariners Portfolio, LLC;
12 and Seahawk Portfolio, LLC
13 WILLIAMS, KASTNER & GIBBS PLLC
14 601 Union Street, Suite 4100
15 Seattle, WA 98101-2380
16 Telephone: (206) 628-6600
17 Fax: (206) 628-6611
18 dbrown@williamskastner.com
19 mferguson@williamskastner.com
20 dvelloth@williamskastner.com
21
22
23
24
25

DECLARATION OF DANIEL A. BROWN IN SUPPORT OF
EMERGENCY MOTION FOR SHORTENED TIME FOR HEARING
ON PLAINTIFFS' EMERGENCY MOTION FOR PRELIMINARY
INJUNCTION OR TEMPORARY RESTRAINING ORDER - 4

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

6280690.1